

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

Devin G. Nunes,)	Case No. 5:19-cv-04064-CJW-MAR
)	
Plaintiff,)	
)	
v.)	Defendants' Unresisted Motion to
)	Extend the Temporary Stay of
Ryan Lizza and Hearst Magazine Media,)	Discovery by 30 Days
Inc.,)	
)	
Defendants.)	

Defendants Hearst Magazine Media, Inc. ("Hearst") and Ryan Lizza ("Lizza") (collectively "Defendants") respectfully move the Court, pursuant to Fed. R. Civ. P. 26(c), to modify its February 4, 2020 order issuing a temporary stay of discovery, ECF No. 26 (the "February 4 Stay Order"), by extending the period of the temporary stay by 30 days. Counsel for Plaintiff Devin G. Nunes has informed the undersigned counsel that Plaintiff does not resist this Motion. In support of this Motion, Defendants state:

1. On January 21, 2020, Lizza and Hearst Magazines, Inc. moved for a stay of discovery pending the resolution of a then-forthcoming pre-trial motion to dismiss Plaintiff's amended complaint. *See* ECF No. 17. The Court granted that motion in its February 4 Stay Order. The Court ordered that "discovery is stayed until the earlier of either a ruling by the district court on Defendants' motion to dismiss or April 1, 2020," so long as Defendants filed a motion to dismiss Plaintiff's amended complaint on or before February 18, 2020. *See* ECF No. 26, at 5. In entering the February 4 Stay Order, the Court's stated "intention [was] to allow ample time for the parties and the Court to address the issues raised [in the Motion to Dismiss] without permitting the case to linger on the Court's docket unnecessarily." *Id.*

2. On February 18, Defendants moved to dismiss Plaintiff's amended complaint. *See* ECF No. 34 (the "Motion to Dismiss"). In early March, the parties conferred regarding a date for oral argument, in consultation with Judge Williams' Judicial Assistant. Due to scheduling conflicts and the Court's availability, the Motion to Dismiss could not be scheduled for oral argument until late April. It has been set for argument on April 24, 2020. *See* ECF Nos. 39, 42.

3. As a result of these scheduling issues, the stay of discovery is currently set to expire 23 days before the Motion to Dismiss is argued before Judge Williams. So that the Motion to Dismiss can be fully submitted before the expiration of the stay period—and thus there is "ample time for the parties and the Court to address the issues raised" in the Motion to Dismiss, ECF No. 26, at 5—Defendants respectfully request that the Court extend the stay period by 30 days. Specifically, Defendants request that the Court's order that "discovery is stayed until the earlier of either a ruling by the district court on Defendants' motion to dismiss or April 1, 2020," ECF No. 26, at 5, be modified to read: "discovery is stayed until the earlier of either a ruling by the district court on Defendants' motion to dismiss or May 1, 2020."

5. The undersigned counsel for Defendants has conferred with counsel for Plaintiff pursuant to Local Rule 7(k). Plaintiff consents to this Motion.

WHEREFORE, Defendants Ryan Lizza and Hearst Magazine Media, Inc., respectfully request, pursuant to Fed. R. Civ. P. 26(c), that the Court modify its February 4 Stay Order by extending the period of the temporary stay by 30 days, as described above.

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March 30, 2020

**Ryan Lizza and Hearst Magazine Media, Inc.,
Defendants**

By: /s/ Jonathan R. Donnellan

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Certificate of Service

The undersigned certifies that a true copy of **Defendants' Unresisted Motion to Extend the Temporary Stay of Discovery by 30 Days** was served upon the following parties through the court's CM/ECF electronic filing system on March 30, 2020.

/s/ Jonathan R. Donnellan

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